

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 29, 1998

DIVISION ONE

B114593	People v. Foreman	(Not for Publication)
B122989	In re Foreman on Habeas Corpus	

The judgment is affirmed. Writ of habeas corpus denied by order.

Masterson, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B121666	Los Angeles County, D.C.S.	(Not for Publication)
	v.	
	Christobal R.	

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B111923	People	(Not for Publication)
	v.	
	Nguon	

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

September 29, 1998-Continued

DIVISION TWO

B108910 California Rifle & Pistol Association, et al. (Certified for Publication)
v.
City of West Hollywood, et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B095945 Sprague, et al.
v.
City of Los Angeles

Filed order certifying opinion for publication and denying petition for rehearing.

B107850 Gharabighi (Not for Publication)
v.
Bicycle Club

The judgment is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.(Opinion)

September 29, 1998-Continued

DIVISION TWO (Continued)

B117593 Madrid (Not for Publication)
v.
Board of Retirement of the Los Angeles County Employees
Retirement Association

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

B115354 Robinson (Not for Publication)
v.
Moghadam

The order under review is affirmed. Respondent is entitled to his costs on appeal.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

[illegible]

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
Zebrowski, J.

September 29, 1998-Continued

DIVISION TWO (Continued)

B118375 People (Not for Publication)

V.

Karel Celeste M.

The judgment is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.

Zebrowski, J.

B110622 People (Not for Publication)

V.

Ewing

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B112812 People (Not for Publication)

V.

Ruiz

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B100516 Insured Energy Drilling Program 1986-4, et al.

v.

Chase Avenue Corporation

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B113661 State of California, Dept. of Motor Vehicles

v.

Superior Court, Los Angeles County
(Patrick G. Woosley, r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B111824 Guy P. Sullivan

(Not for Publication)

v.

Jeffrey Siegel

The judgment is affirmed. Each side to bear their own costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B108289 Lorraine Sheppherd (Not for Publication)

v.

Friendly Village Community Association, Inc., et al.

The judgment granting summary judgment in favor of defendants is reversed, and the cause is remanded to the trial court for further proceedings. The appeal filed by Reams/ABLS is dismissed. Costs on appeal awarded to plaintiff Sheppherd.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B104540 Phil Gordon, et al.
v.
The Uniroyal Goodrich Tire Company, et al.

Filed order vacating submission order of June 16, 1998. Cause resubmitted this date.

DIVISION FOUR

B112726 Wormer (Not for Publication)
v.
Barsamian

The judgment is reversed and the trial court is directed to enter judgment for Janet Wormer notwithstanding the verdict in the trial conducted on the affirmative defense of the statute of limitations. Appellant to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Cooper (F.M.), J. (Assigned)

B113235 Goodstein (Certified for Publication)
v.
Cedars-Sinai Medical Center

The judgment is reversed and the trial court is directed to enter judgment denying Goodstein's petition for writ of mandate. Appellant to recover costs on appeal. Pending finality of this opinion, the stay order of August 22, 1997, is to remain in effect.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

September 29, 1998-Continued

DIVISION FOUR (Continued)

B106474 Gargir (Certified for Publication)
v.
Akiva

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Cooper (F.M.), J. (Assigned)

[illegible]

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

September 29, 1998-Continued

DIVISION FOUR (Continued)

B113672 People (Not for Publication)
v.
Cardenas

For the foregoing reasons, the judgment is affirmed, and the trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment deleting any mention of registration as a sex offender.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B119859 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B116506 People (Not for Publication)
v.
Cunningham

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J, Epstein, J., Curry, J.

September 29, 1998-Continued

DIVISION FOUR (Continued)

B123083 Morse (Not for Publication)
v.
Superior Court of Los Angeles County
Astro Theaters, et al.

The Court:

Let a peremptory writ of mandate issue directing respondent to (1) vacate its orders of April 27 and May 29, 1998, in Los Angeles Superior Court case YC028283, *Morse v. Astro Theaters, et al.*; (2) order the refund to plaintiff of the transfer fee, and (3) thereafter proceed according to law. The temporary stay order issued by this court shall remain in effect until respondent fully complies with the foregoing disposition.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and J. Belcher, Deputy Clerk.

Each of the following:

B119518 People v. Jose Herrera and Jose De La Cruz
B118535 People v. Dwayne Lucas
B110993 People v. David Bradvica
B121790 People v. Moises Trevino
B115519 People v. Tyshon Byrd
B118903 People v. Francisco Celis

Argument waived, cause submitted.

B110371 Richard Eisen
 v.
 Bette Jones

Appearances:

Lynard C. Hinojosa for respondent and there being no appearance for appellant. Argument waived, cause submitted.

DIVISION FIVE (Continued)

B113146 Los Angeles County

v.

American Contractors Indemnity Company,
(Sharkey's Bail Bonds, r.p.i.)

Merits:

Argued by Kenneth F. Weston for appellant and respondent American Contractors and by H. Anthony Nicklin for respondent Los Angeles County. Cause submitted.

B120149 The People

v.

Douglas M. Hartman

Merits:

Argued by Ronald L. Hartman for appellant and by Michael A. Katz, deputy attorney general for respondent. Cause submitted.

B110720 Raymond Jones

v.

Farmer's Insurance Company

Appearances:

Lisa Jaskol for respondent and there being no appearance by Raymond Jones, appellant in propria person. Argument waived, cause submitted.

B117873 Stewart R. Nickless

v.

Mercury Casualty Company

Merits:

Argued by Brain Witzer and by Robert D. Walker for appellants and by John V. Hager for respondent. Cause submitted.

The court recessed at 10:35 a.m.

DIVISION FIVE (Continued)

The court reconvened at 10:40 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and J. Belcher, Deputy Clerk.

B121350 David Banks
 v.
 Acme Laundry Products, Inc.

Merits:
Argued by Ronald T. Golan for appellant and by Greg Labate for respondent. Cause submitted.

B118949 John Sanabria
 v.
 Charles Scherer

Merits:
Argued by Mary Claire Quella for appellant and .Michael B. Montgomery for respondent. Cause submitted.

The court recessed at 11:15 a.m.

The court reconvened at 11:20 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

B105989 Tracy Grimes
 v.
 Department of Social Services

Merits:
Argued by David Raizman for appellant and by James F. Ahern, deputy attorney general, for respondent. In open court, the Court orders supplemental briefing on the issue of mootness. Supplemental briefs due Oct. 19, 1998. Cause submitted.

The court recessed at 12:00 a.m.

DIVISION FIVE (Continued)

The court reconvened at 12:10 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

Each of the following:

B116908 People v. Antonia Lagunas
B115023 People v. Charles Henry
B118644 People v. Ralph Dotson
B120891 People v. Gregory Moore
B113483 People v. James Landsberger
B120064 DCFS v. M., Dawn
B123780 People v. Jerry Funches

Argument waived, cause submitted.

B124873 Pacific Bell
 v.
 Los Angeles Superior Court
 (John Allison, et al., r.p.i.)

Merits:

Argued by Gleam O. Davis for petitioner and by Anthony Kornarens for real parties in interests. Cause submitted.

The court recessed at 12:35 p.m.

The court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J., Zaida G. Heraldez and Jed Belcher, Deputy Clerks.

B110052 John Adair, et al.
 v.
 James B. Barsby, et al.

Appearances:

Jerome D. Meier for appellants and Robert D. Feighner for respondents.
Argument waived, cause submitted.

DIVISION FIVE (Continued)

B122210 California Coastal Commission
v.
Amir Tahmassebi, et al.

Merits:

Argued by Thomas M. Banks for appellants and by Daniel A. Olivas for respondent. Cause submitted.

B120871 Charles Cryor
v.
Federal Express

Merits:

Argued by David DuMond for appellant and by Darrin F. Meyer for respondent. Cause submitted.

B115341 Jessie R. Robertson
v.
Hollywood Park Inc.

Merits:

Argued by Peter R. Di Donato for appellant and by Roy G. Weatherup for respondent. Cause submitted.

Court adjourned.

B106319 Donald J. Zaccaglini, et al. (Not for Publication)
v.
Baytower Partner, II, et al.

The judgment is affirmed. The parties are to each bear their own costs on appeal.

Godoy Perez, J.

I concur: Grignon, Acting P.J.
I dissent: Armstrong, J.(Opinion)

September 29, 1998-Continued

DIVISION FIVE (Continued)

B113206 People
 v.
 Jose Ortiz

Filed order denying petition for rehearing.